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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,124	12/21/1999	MITCH A. BRISEBOIS	71493-591	9802
7590	10/22/2003		EXAMINER HOM, SHICK C	
SMART & BIGGAR PO BOX 2999 STATION D 900-55 METCALFE STREET OTTAWA, K1P5Y6 CANADA			ART UNIT 2666	PAPER NUMBER S DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/466,124	BRISEBOIS ET AL.	
	Examiner Shick C Hom	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-31 and 36 is/are rejected.
- 7) Claim(s) 32-35 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in

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order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 8, 11, 12, 21, 22, 26, 27, 28, 30, 31, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widergen et al. (5,890,064) in view of Lynch et al. (20030038961).

Regarding claims 1, 11, 12, 22, 28, 36:

Widergen et al. disclose the *apparatus and method for controlling data unit communications between a plurality of mobile stations* (col. 6 line 23 to col. 7 line 3), the apparatus and method comprising: means and steps for grouping at least two of the plurality of mobile stations as members of a private network group (col. 2 lines 18-32); means and steps for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group (col. 7 line 55 to col. 8 line 20); and means and steps for enabling communication of the data unit from the first mobile station to the second mobile station only if they are both members of the private network group (col. 17 lines 33-52) as in claims 1, 12, 22, 28,

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*36; means for disabling communication of the data unit from the first mobile station to the second mobile station to the second mobile station if they are not both members of the private network group (col. 17 lines 33-52) as in claim 11; the apparatus for controlling data unit communications between a first set of at least one mobile telephone station and a second set of at least one fixed wire telephone station (col. 2 lines 18-32 and col. 6 line 23 to col. 7 line 3) as in claim 12;*

*Regarding claims 8, 21:*

Widergen et al. disclose means for determining if the data unit is of a type requiring limited access, and means for enabling communication of the data unit from the first mobile station to the second mobile station if the data unit is not of the type requiring limited access, even if the first and second mobile stations are not both members of the private network group (col. 7 lines 27-54).

*Regarding claim 26:*

Widergen et al. disclose wherein *at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network (col. 5 lines 41-47).*

*Regarding claim 30:*

Widergen et al. disclose the mobile switching center coupled between the apparatus and the radio network controller,

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the mobile switching center comprising means for controlling the switching operations of the wireless network within a predefined cell cluster (col. 3 line 59 to col. 4 line 25).

For claims 1, 11, 12, 22, 27, 28, 31, and 36, Widergen et al. disclose all the subject matter of the claimed invention with the exception of each of the mobile stations having a respective maintained communication link with the apparatus for enabling communication from the first mobile station to the second mobile station as in claims 1, 11, 12, 22, 28, 36; the server coupled to the LAN as in claim 27; and the mobile stations comprises a personal computer with a wireless modem as in claim 31.

Lynch et al. from the same or similar fields of endeavor teach that it is known to provide each of the mobile stations having a respective maintained communication link with the apparatus for enabling communication from the first mobile station to the second mobile station (see Fig. 5, page 2 paragraphs 0021, 0028, and pages 4-5 paragraph 0062); the server coupled to the LAN (page 2 paragraph 0021); and the mobile stations comprises a personal computer with a wireless modem (page 3 paragraphs 0041-0042). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide each of the mobile stations with a

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respective maintained communication link with the apparatus for enabling communication from the first mobile station to the second mobile station; the server coupled to the LAN; and the mobile stations comprises a personal computer with a wireless modem as taught by Lynch et al. in the apparatus Widergen et al. The motivation for providing each of the mobile stations with a respective maintained communication link with the apparatus for enabling communication from the first mobile station to the second mobile station; the server coupled to the LAN; and the mobile stations comprises a personal computer with a wireless modem as taught by Lynch et al. in the apparatus and method of Widergen et al. being that it promotes optimal throughput since the stations can communicate without first having to be established and the added feature of data communication via the personal computer, respectively.

5. Claims 2-7, 13-20, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widergen et al. (5,890,064) in view of Lynch et al. (20030038961) as applied to claims 1, 11, 12, 22, 28 above, and further in view of Yarwood (6,161,016).

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For claim 2-7, 13-20, 23-25, Widergen et al. in view of Lynch et al. disclose the apparatus described in paragraph 4 of this office action. For claims 2-3, 5-6, 13-14, 16, 19, 23-25 Widergen et al. in view of Lynch et al. disclose all the subject matter of the claimed invention with the exception of the means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations are both listed within the private network group table as in claims 2, 5, 13, 14, 19, 23, and wherein each of the mobile stations further has a corresponding data address and the data unit includes a data address corresponding to a desired destination mobile station as a destination address; wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group further comprises means for listing the data addresses of the at least two mobile stations within the private network group table corresponding to their HLRs; and wherein the means for determining if the fast and second mobile stations are both *members of the private network group* further comprises means for determining the HLR of the second mobile station by looking-up the destination address

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of the data unit within the private network group table as in claims 3, 6, 16, 24-25.

Regarding claims 4, 7, 17, 18, 20:

Lynch et al. disclose wherein the data addresses are Internet Protocol (IP) addresses (page 2 paragraph 0017) as in claims 4, 7, 17, 20; and the server coupled to the LAN (page 2 paragraph 0021) as in claim 18.

Regarding claim 15:

Widergen et al. disclose wherein the node registration for the fixed wire telephone station of the second set is a data address corresponding to a second apparatus coupled to the fixed wire telephone station (col. 2 lines 18-56).

Yarwood from the same or similar fields of endeavor teach that it is known to provide the means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations pure both listed within the private network group table (col. 3 lines 36-47) and wherein each of the mobile stations further has a corresponding data address and the data unit includes a data address corresponding to a desired destination mobile station as a destination address; wherein the

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means for grouping at least two of the plurality of mobile stations as members of a private network group further comprises means for listing the data addresses of the at least two mobile stations within the private network group table corresponding to their HLRs; and wherein the means for determining if the first and second mobile stations are both *members of the private network group* further comprises means for determining the HLR of the second mobile station by looking-up the destination address of the data unit within the private network group table (col. 5 lines 43-59). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations pure both listed within the private network group table and wherein each of the mobile stations further has a corresponding data address and the data unit includes a data address corresponding to a desired destination mobile station as a destination address; wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group further comprises means for listing the data

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addresses of the at least two mobile stations within the private network group table corresponding to their HLRs; and wherein the means for determining if the first and second mobile stations are both *members of the private network group* further comprises means for determining the HLR of the second mobile station by looking-up the destination address of the data unit within the private network group table as taught by Yarwood in the apparatus of Widergen et al. in view of Lynch et al. The motivation for providing the means for listing the HLRs of the at least two mobile stations within a private network group table; and wherein the means for determining if the first and second mobile stations are both members of the private network group comprises means for determining if the HLRs of the first and second mobile stations pure both listed within the private network group table and wherein each of the mobile stations further has a corresponding data address and the data unit includes a data address corresponding to a desired destination mobile station as a destination address; wherein the means for grouping at least two of the plurality of mobile stations as members of a private network group further comprises means for listing the data addresses of the at least two mobile stations within the private network group table corresponding to their HLRs; and wherein the means for determining if the first and

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second mobile stations are both *members of the private network group further comprises means for determining the HLR of the second mobile station by looking-up the destination address of the data unit within the private network group table as taught by Yarwood in the apparatus of Widergen et al.* in view of Lynch et al. being that it provides the added feature of a broadcast service to the selected group of mobile units.

6. Claims 9 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widergen et al. (5,890,064) in view of Lynch et al. (20030038961) as applied to claims 1 and 28 above, and further in view of Wall et al. (20030037160).

For claims 9 and 29, Widergen et al. in view of Lynch et al. disclose the apparatus and wireless network described in paragraph 4 of this office action. For claims 9 and 29, Widergen et al. in view of Lynch et al. disclose all the subject matter of the claimed invention with the exception of the means for sending a bandwidth request signal prior to enabling communication of the data unit if the second mobile station has insufficient bandwidth capabilities to receive the data unit on the respective maintained communication link of the second mobile station as in claim 9 and wherein the radio network controller *comprises means for adjusting a bandwidth between*

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each of the mobile stations and its respective one of the at least one base transceiver station as in claim 29.

Wall et al. from the same or similar fields of endeavor teach that it is known to provide the means for sending a bandwidth request signal prior to enabling communication of the data unit if the second mobile station has insufficient bandwidth capabilities to receive the data unit on the respective maintained communication link of the second mobile station and wherein the radio network controller *comprises* means for adjusting a bandwidth between each of the mobile stations and its respective one of the at least one base transceiver station (see pages 3-4 paragraphs 0033-0034). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the means for sending a bandwidth request signal prior to enabling communication of the data unit if the second mobile station has insufficient bandwidth capabilities to receive the data unit on the respective maintained communication link of the second mobile station and wherein the radio network controller *comprises* means for adjusting a bandwidth between each of the mobile stations and its respective one of the at least one base transceiver station as taught by Wall et al. in the apparatus and wireless network of Widergen et al. in view of Lynch et al.

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The motivation for providing the means for sending a bandwidth request signal prior to enabling communication of the data unit if the second mobile station has insufficient bandwidth capabilities to receive the data unit on the respective maintained communication link of the second mobile station and wherein the radio network controller *comprises* means for adjusting a bandwidth between each of the mobile stations and its respective one of the at least one base transceiver station as taught by Wall et al. in the apparatus and wireless network of Widergen et al. in view of Lynch et al. being that it provides the added feature of adapt ably and automatically meeting the performance needs of each node.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widergen et al. (5,890,064) in view of Lynch et al. (20030038961) as applied to claim 1 above, and further in view of Nakamura (5,793,856).

For claim 10, Widergen et al. in view of Lynch et al. disclose the apparatus described in paragraph 4 of this office action. For claim 10 Widergen et al. in view of Lynch et al. all the subject matter of the claimed invention with the exception of the means for sending an error signal to the first

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mobile station if the first and second mobile stations are not both members of the private network group.

Nakamura teaches that it is known to judge whether the receipt dial number is the extension number or not and the error notification is sent to the sender in the case where it is not any extension number as set forth at col. 9 lines 63-67 in the field of telephonic for the purpose of switching extension number which can be changed without the operation by a switch operator which clearly anticipate the means for sending an error signal if stations are not both members of the private network group as in claim 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide means for sending an error signal if stations are not both members of the private network group as taught by Nakamura to the apparatus of Widergen et al. in view of Lynch et al. because Nakamura teaches the desirable advantage of switching extension number which can be changed without the operation by a switch operator and said switching without the operation by a switch operator being desirable to achieve more efficient system operation in Widergen et al. in view of Lynch et al.

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**Allowable Subject Matter**

8. Claims 32-35 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

**Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any response to this final action should be mailed to:

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or faxed to:

(703) 872-9314, (for formal communications;  
please mark "EXPEDITED PROCEDURE")

Or:

(for informal or draft communications, please  
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal  
Park II, 2121 Crystal Drive, Arlington, VA., Sixth  
Floor (Receptionist).

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Shick Hom  
whose telephone number is (703) 305-4742. The examiner's  
regular work schedule is Monday to Friday from 8:00 am to 5:30  
pm EST and out of office on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao, can be reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



DANGTON  
PRIMARY EXAMINER

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October 9, 2003